

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

JOSE ANDUJAR,

Petitioner,

-against-

R. McGINNIS,

Respondent.

Civil Action No.  
9:03-CV-0108  
(LEK/DRH)

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**DECISION AND ORDER**

This matter comes before the Court following a Report-Recommendation filed on September 24, 2004, by the Honorable David R. Homer, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York.

Within ten days, excluding weekends and holidays, after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," Fed. R. Civ. P. 72(b), in compliance with L.R. 72.1. In the interval of at least fifteen days since the Magistrate Judge filed the subject Report-Recommendation, no objections to it have been raised. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

**ORDERED**, that the Report-Recommendation is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

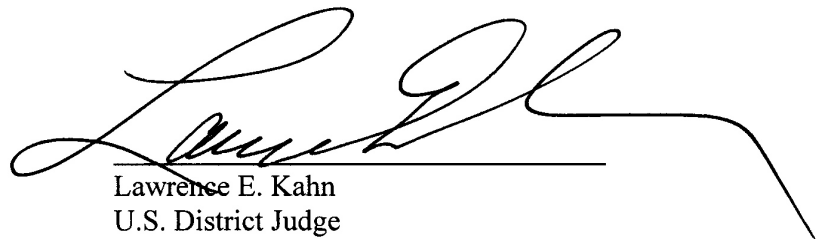
**ORDERED**, that the petition for a writ of habeas corpus is **DENIED** and **DISMISSED**; and

it is further

**ORDERED**, that the Clerk serve a copy of this order on all parties.

**IT IS SO ORDERED.**

DATED: January 30, 2006  
Albany, New York



Lawrence E. Kahn  
U.S. District Judge